

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

<b>GARY GULLICKSON,</b>	)	
	)	
<b>Plaintiff,</b>	)	<b>No. 08 C 3731</b>
	)	
	)	<b>Judge St. Eve</b>
	)	
<b>VILLAGE DISCOUNT OUTLET, INC.;</b>	)	<b>Magistrate Judge Denlow</b>
<b>MAYO, INCORPORATED;</b>	)	
<b>PLAZA MARKETING ASSOCIATES;</b>	)	
<b>JAMES BURT STINNETT;</b>	)	
<b>LEONARD BAUMGARTNER;</b>	)	
<b>WILLIAM RYAN; and</b>	)	
<b>REGINALD WRIGHT,</b>	)	
	)	
<b>Defendants.</b>	)	

**DEFENDANT MAYO, INCORPORATED'S  
MOTION FOR SUMMARY JUDGMENT**

Defendant Mayo, Incorporated ("Mayo"), pursuant to Federal Rule of Civil Procedure 56, moves for summary judgment on the claims against it filed by the plaintiff, Gary Gullickson ("Gullickson"). In support of its motion, Mayo submits the accompanying memorandum and states:

1. Gullickson appears to have asserted three claims against Mayo:  
"First Claim: Retaliatory Discharge Pursuant to 42 US [sic] 1981 as Amended;"  
"Third Claim: Illinois Common Law Retaliatory Discharge;" and "Fifth Claim:  
Breach of Contract
2. There is no employment relationship between Gullickson and Mayo. Therefore, Mayo cannot be liable on a theory of retaliatory discharge.

3. There is no contract between Gullickson and Mayo. Therefore, Mayo cannot be liable for breach of contract.

### **CONCLUSION**

Wherefore, Defendant Mayo Incorporated asks that the Court dismiss Gullickson's complaint, enter judgment in Mayo's favor, and award Mayo its costs and reasonable attorneys' fees.

Respectfully submitted,

Dated: August 15, 2008

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### **CERTIFICATE OF SERVICE**

I hereby certify that on August 15, 2008, the foregoing Defendant Mayo Incorporated's Motion for Summary Judgments was electronically filed using the CM/ECF system and served upon:

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